



COME NOW Defendants Barrett Daffin Frappier Turner & Engel, LLP (“BDFTE”), Maris & Lanier, P.C. (“M&L”), Connie J. Vandergriff (“Vandergriff”), Robert Maris (“Maris”), Lisle Patton (“Patton”), Robert Alcorn (“Alcorn”) and Robert Forester (“Forester”) (collectively “Defendants”) and, pursuant to Rules 12(b)(1), (b)(6) and (e) of the Federal Rules of Civil Procedure, file this motion to dismiss the claims asserted by Plaintiffs Robert P. Savarese and Patricia Savarese (collectively “Plaintiffs”) for lack of jurisdiction, failure to state a claim upon which relief may be granted or, in the alternative, to require Plaintiffs to provide a more definite statement of their claims against Defendants. In support thereof, Defendants respectfully show the following:

I.

Relief Requested

1. Defendants move this court to dismiss the claims asserted by Plaintiff against Defendants for the reason that this Court lacks subject-matter jurisdiction, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

2. In the alternative, Defendants request that this Court enter an order dismissing Plaintiffs’ claims against Defendants for the reason that Plaintiff has failed to plead a cause of action for which relief may be granted.

3. In the alternative, if this Court determines that a more carefully drafted complaint could state a claim upon which relief may be granted against Defendants, that this Court enter an order requiring Plaintiffs to re-plead their complaint to provide a more definite statement of their claims against Defendants within twenty (20) days and to

dismiss Plaintiffs' claims against Defendants should Plaintiffs fail to comply.

II.

Prayer

WHEREFORE, premises considered, Defendants respectfully request that this Honorable Court enter an order dismissing Plaintiffs' claims against them for failure to state a claim upon which relief may be granted or, in the alternative, to require Plaintiffs to re-plead their Amended Commercial Affidavit of Truth for Wrongful Foreclosure to state a claim against Defendants upon which relief may be granted and to permit Defendants a reasonable opportunity to respond to their allegations, and should this court determine that Plaintiffs' Amended Commercial Affidavit of Truth for Wrongful Foreclosure cannot be, or has not been, so amended, to dismiss Plaintiffs' claims against Defendants, and for any and all other relief to which Defendants may show themselves justly entitled.

Respectfully submitted,

/s/ Michael J. McKleroy, Jr.  
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VANDERGRIFF, ROBERT MARIS,  
LISLE PATTON, ROBERT ALCORN  
and ROBERT FORESTER

**CERTIFICATE OF SERVICE**

I hereby certify that a true, correct and complete copy of the foregoing document was served in accordance with the Federal Rules of Civil Procedure on the 11th day of May, 2010 to:

Robert P. Savarese  
Patricia Savarese  
118 Wagon Wheel Lane  
Wylie, Texas 75098  
VIA CERTIFIED MAIL RECEIPT  
NO. 7008 0500 0001 2968 1032

/s/ Michael J. McKleroy, Jr.  
Michael J. McKleroy, Jr.

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**DEFENDANTS BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP,  
MARIS & LANIER, P.C., CONNIE J. VANDERGRIFF, ROBERT MARIS, LISLE  
PATTON, ROBERT ALCORN AND ROBERT FORESTER'S RULE 12(b)(6)  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM OR, IN THE  
ALTERNATIVE, RULE 12(e) MOTION FOR A MORE DEFINITE STATEMENT**

**PAGE 4**